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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,211	06/14/2001	Bernhard Jansen	Mo-6368/Lca 33,233	6996

34947 7590 09/22/2004

LANXESS CORPORATION
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EXAMINER

SALVATORE, LYNDIA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 09/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/868,211

Applicant(s)

JANSEN ET AL.

Examiner

Lynda M Salvatore

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 and 18-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 and 18-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, appeal brief and accompanying remarks filed 06/28/04 have been fully considered and entered. Applicant's amendments and accompanying remarks have been found persuasive to overcome the claim objections set forth in section 3 of the Final Office Action. As such, these rejections are hereby withdrawn. With regard to the prior art rejections set forth in sections 4-6 of the Final Office Action, Applicant's amendments and accompanying remarks have been fully considered and are found to be persuasive. As such, the Final Rejection is hereby withdrawn. However, upon further consideration a new ground of rejection is set forth herein below.

Specification

2. The guidelines set forth in sections 1 and 2 of the last Office Action illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 16, 18-23 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over the English translated published Japanese application issued to Unitika Co., LTD in view of Laas et al., US 5,731,396.

The published Japanese application teaches a durable shrink proofing treatment for animal fiber woven products comprising subjecting said woven product to a low

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temperature plasma treatment, a shrink-proofing treatment with shrink-proofing resin, followed by a weight-reducing treatment of the animal fibers with a proteolytic enzyme (pages 1-3). Suitable animal fibers include those derived from sheep, camel, goat, or rabbit (page 3). Such fibers can be employed to make a variety of woven or knitted textile products (page 3). Suitable shrink proofing resins include block urethane resin (page 4). The Japanese application also teaches employing the softener of polysiloxan simultaneously with the shrink-proofing agent to improve hand feel (page 4).

The published Japanese patent application fails to teach the claimed isocyanate, however, ~~the patent issued to Laas et al., teaches~~ the patent issued to Laas et al., discloses a water dispersible polyisocyanate mixture suitable for use as textile coatings (Column 8, 9-13). The isocyanate mixture comprises an isocyanate group content (calculated as NCO molecular weight 42) of 7.0 to 21.5 weight percent, an ethylene oxide content (calculated as molecular weight 44) of 5 to 25 weight percent and an average NCO functionality of 1.8 to 4.6 (Column 3, 34- Column 4, 17). The polyisocyanates are selected from the group consisting of aliphatically or cycloaliphatically having NCO functionality from 2.1 to 5.0 (Column 4, 27-34). The number of ethylene oxide units is more than 10 (Column 6, 49-50). The amount of ethylene radicals, based on the total quantity of alkylene radicals is at least 80 mole percent (Column 5, 15-17). With regard to claim 26, since the solutions of Laas are aqueous it is reasonable to presume that the solution would be applied to wool by any known method in the art such as dipping, spraying, rolling or padding.

Therefore, motivated to increase the shrink resistance of wool textiles it would have been obvious to one having ordinary skill in the art to coat the animal fibers

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disclosed in the published Japanese application with the with the polyisocyanate binder mixture of Laas et al.

5. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over English translated published Japanese application issued to Unitika Co., LTD in view of Laas et al., US 5,731,396 as applied to claim 28, and further in view of Vogel et al., US 5,047,065.

The combination of prior art fails to teach adding a slip agent, but the patent issued to Vogel et al., discloses an aqueous finishing agent for textiles which may further comprise auxiliary anti-slip agents (Abstract and Column 4, 25). Vogel et al., fails to teach a specific anti-slip agent however, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select a known anti-slip agent since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use. *In re Leshin*, 125 USPQ 416

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda M Salvatore whose telephone number is 571-272-1482. The examiner can normally be reached on M-F.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571-272-1482. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

September 12, 2004

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